

BAY AREA AIR POLLUTION CONTROL DISTRICT  
939 Ellis Street  
San Francisco, California 94109

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June 9, 1977

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Air poll. - S.F. Bay area

UNIVERSITY OF CALIFORNIA

TO: CHAIRPERSON ALFRED J. NELDER AND  
MEMBERS OF THE BOARD OF DIRECTORS

FROM: AIR POLLUTION CONTROL OFFICER

SUBJECT: <sup>Regulation 20.2, proposed</sup> AMENDMENTS TO REGULATION 2 REGARDING PERMIT FEES

On June 1, 1977, the Board of Directors asked the Staff and Advisory Council to jointly discuss the possibility of adding language to the Staff proposal of the definition of source to clarify the extent of information the District may seek if Staff's source definition were to be adopted by the Board. At a special meeting of the Advisory Council on June 8, 1977, this matter was discussed and the attached draft amendments were adopted by the Advisory Council with the concurrence of Staff.

Basically, the draft being presented to you now is the Staff proposal with Sections 1317.93 and 1317.94 added to spell out the information needed by the District and to allay any fear by industry that the District will indiscriminately or unreasonably require new permits for changes in process materials, hours of operation or throughput. In addition, other minor changes have been made to clarify language and to incorporate a suggestions of the Board.

We are pleased to report to the Board that Staff and the Advisory Council were able to resolve their differences on this matter and urge you to give favorable consideration to the adoption of the attached proposal. A review of the entire matter will continue by Staff and the Advisory Council during the recodification process of District regulations now in progress to determine if any refinements are necessary.

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June 9, 1977

JOINT ADVISORY COUNCIL & STAFF PROPOSAL

PROPOSED AMENDMENTS TO  
DIVISION 13, REGULATION 2

PERMIT FEES AND PERMITS TO OPERATE

- §1317 Fees. Effective date of §1317 through 1317-62 1317-8 1317.94 shall be the date of adoption. Every applicant for an Authority to Construct or a Permit to Operate shall pay the fees as prescribed in these sections 1317.8.
- 1317.1 Any federal, state or local governmental agency or public district is exempt from paying the permit fees prescribed in these sections 1317.8.
- 1317-2 Each applicant for an Authority to Construct a new or modified source shall pay a filing fee of \$20.00 for each emission point contained in the application.
- 1317-21 If an application is cancelled, withdrawn or denied, the filing fee shall not be refunded nor applied to any subsequent application.
- 1317-22 1317.2 The total amount of the filing fee AS DETERMINED IN SECTION 1317.8 shall be submitted to the Bay Area Air Pollution Control District with the application for an Authority to Construct or a Permit to Operate FOR ANY NEW OR MODIFIED SOURCE.
- 1317-3 Every applicant for a Permit to Operate following the issuance of an Authority to Construct shall, in addition to the filing fee required under §1317-2, pay the fee for the issuance of a Permit to Operate in the amount prescribed in Sections 1317-5 and 1317-51.



§1317.31  
1317.3

Every applicant for a Permit to Operate a facility SOURCE in existence on or before ~~the date of adoption of this section~~ July 1, 1977 shall BE REQUIRED TO pay a fee for each emission point SOURCE contained in the application in the amount ~~of 5% of the total amount~~ prescribed in Section ~~1317.5~~ 1317.8. ~~No filing fee shall be required for Permits to Operate a facility in existence on or before the date of adoption of this section.~~ For those facilities SOURCES in existence on or before ~~the date of adoption of this section~~, July 1, 1977, Permits to Operate shall be applied for FOR EACH SOURCE according to the following schedule:

- A. On or before July 1, 1977 any person who operates a facility causing emissions in excess of 500 tons per year of any air contaminant for which there is a National or California Ambient Air Quality Standard.
- B. On or before July 1, 1978 any person who operates a facility causing emissions in excess of 100 tons per year of such contaminants.
- C. On or before July 1, 1979 any person who operates a facility causing emissions in excess of 25 tons per year of such air contaminants.
- D. On or before July 1, 1980 any person who operates a facility causing emissions ~~equal to or less than 25~~ in excess of 0.5 tons per year of such air contaminants.

Permits to Operate required by this section shall be issued by the Air Pollution Control Officer within a reasonable period of time after payment of the required fees. The 60 day requirement for action on permits required under Section 1306 shall not be applicable to permits issued under this Section ~~1317.31~~ 1317.3.

1317.32

~~Where an application is filed for a Permit to Operate exclusively involving revisions to the conditions of an existing Permit to Operate or Authority to Construct, or involving modifications to~~



~~a-facility-having-a-permit, the applicant shall be assessed fees based only on increases in those subjects listed in Section 1317.5.~~

§1317.33  
1317.4

~~Upon successful completion of all the requirements of~~ AFTER SUBMISSION OF AN APPLICATION FOR a Permit to Operate FOR SOURCES IN EXISTENCE ON OR BEFORE JULY 1, 1977, the applicant shall be notified, in writing, of the fee to be paid for the ~~issuance~~ PROCESSING of the Permit to Operate. Non-payment of the fee after 60 days of the date of the notice shall result in the denial of the permit.

1317.34  
1317.5

A fee of \$5.00 \$20.00 shall be charged PAID for issuing a duplicate Permit to Operate.

1317.35  
1317.6

A fee of \$5.00 \$20.00 shall be charged PAID for re-issuing a Permit to Operate or an Authority to Construct RE-ISSUED because of transfer of ownership.

1317.4  
1317.7

An annual renewal fee of \$20.00 for each Permit to Operate shall ~~be paid in the amount of 5% of the amount determined from Section 1317.5.~~ The annual renewal fee shall be paid on or before the anniversary date of the first fee paid for ~~an existing~~ a Permit to Operate, and shall be submitted with such information as may be required by the Air Pollution Control Officer concerning emissions from the permitted operations SOURCE. ~~No filing fee shall be required for annual renewal fees.~~

1317.5

~~The fee to be assessed for the issuance of a Permit to Operate following an Authority to Construct is the sum of the amounts determined from each of the following schedules, not to exceed \$1,000 per schedule for each emission point. The minimum fee per schedule for each emission point shall be \$10.00.~~



Schedule-(A) \$510-for-each-million-joules-per-second-of-fuel consumption---Fuels-used-as-raw-materials-for process-operations-shall-be-excluded-from-fee requirements.

Schedule-(b) \$250-for-each-1,000-cubic-meters-of-storage-capacity of-organic-liquids.

1317.51 For-existing-facilities-identified-under-Section-1317.31-(D)-the minimum-fee-for-both-initial-Permits-to-Operate-and-annual renewal-fees-shall-be-\$10.00-regardless-of-the-number-of-emission points.

1317.52 Fees-shall-be-calculated-by-multiplying-the-appropriate-basic fee-for-each-schedule-shown-in-Section-1317.5-for-each-emission point-by-the-fraction-or-multiple-of-the-units-shown-in-the application-for-a-Permit-to-Construct-or-Operate. The-fees required-under-Section-1317.31-A, B, C, and D-shall-be-5% of-the total-amount-required-by-Section-1317.5---The-annual-renewal-fees required-under-Section-1317.4-shall-be-5% of-the-total-amount required-by-Section-1317.5.

#### 1317.8 Fees

The following fees shall be assessed PAID for the issuance PROCESSING of an APPLICATION FOR AN Authority to Construct or a Permit to Operate for all sources. EACH SOURCE SHALL BE REQUIRED TO HAVE A SEPARATE AUTHORITY TO CONSTRUCT AND A SEPARATE PERMIT TO OPERATE. (Sources which are in existence prior to July 1, 1977 shall be required to pay fees in accordance with the TIME schedule shown in Section 1317.3.)



- a) A fee of \$100.00 shall be paid for each source in an application for an Authority to Construct any-new-or-modified FOR ANY NEW SOURCE OR FOR THE MODIFICATION OF AN EXISTING source which does not have an-existing-A Permit to Operate.
- b) A fee of \$40.00 shall be paid for each source in an application for an Authority to Construct any-modified FOR THE MODIFICATION OF A source which has an existing Permit to Operate.
- c) A fee of \$20.00 shall be paid for each source in an application for a Permit to Operate.

Definitions.

Facility for purposes of Sections 1317 through 1317.52 1317.8 means any operation or group of operations under the control of a person, so interrelated as to constitute a business operation in the commonly accepted sense; examples of facilities include, but are not limited to, refineries, cement plants, manufacturing plants, chemical plants, furniture manufacturing plants, paint manufacturing plants, breweries, auto assembly plants and the like.

Emission-point-for-purposes-of-Sections-1317-through-1317.52 means-the-location-at-which-an-emission-enters-the-atmosphere. A-single-process-which-has-many-emission-points-is-deemed-to-have a-single-emission-point-for-purposes-of-these-sections. The emission-of-air-contaminants-from-more-than-one-process,-all-of which-are-emitted-into-the-atmosphere-from-a-single-emission point-shall-be-considered-for-purposes-of-these-sections-to-be emitted-from-the-number-of-emission-points-equal-to-the-number of-processes.



§1317.92 FOR PURPOSES OF SECTIONS 1317 THROUGH 1317.8 SOURCE MEANS THE EQUIPMENT USED TO PERFORM THE OPERATIONS PRECEDING THE EMISSION OF AN AIR CONTAMINANT, WHICH OPERATIONS (a) RESULT IN THE SEPARATION OF THE AIR CONTAMINANT FROM THE PROCESS MATERIALS OR IN THE CONVERSION OF THE PROCESS MATERIALS INTO AIR CONTAMINANTS, AS IN THE CASE OF COMBUSTION OF FUEL; OR (b) EFFECTIVELY DETERMINE OR SUBSTANTIALLY AFFECT THE QUANTITY OF AIR CONTAMINANT THAT IS EMITTED, SUCH AS A REACTOR IN A FLUID BED CATALYTIC CRACKING UNIT OR A SULFUR BURNER IN A SULFURIC ACID PLANT; AND (c) ARE NOT AIR POLLUTION CONTROL OPERATIONS. SOURCES WHICH ARE EXEMPTED IN 1316 FROM PERMIT REQUIREMENTS, AND NOZZLES USED TO DELIVER FUEL, ARE EXCLUDED FROM THIS DEFINITION. A GROUP OF TANKS, EACH ONE OF WHICH IS NO LARGER THAN ~~15,000-GALLONS-(--57-CU.-METER)~~ 57 CU. METER (15,000 GALLONS) THAT IS AN INTEGRAL PART OF A SINGLE OPERATION, SUCH AS THOSE TANKS IN GASOLINE SERVICE STATIONS, CONSTITUTES A SINGLE SOURCE BY THIS DEFINITION.

~~1317.7 Notwithstanding the references in Section 1317 to 1317.51 to fees, no fees shall be imposed pursuant to these sections pending further action by the Board of Directors of the Bay Area Air--Pollution Control District relative to the imposition of a fee schedule.~~



- 1317.93 FOR SOURCES IN EXISTENCE ON OR BEFORE JULY 1, 1977, FOR WHICH NO PREVIOUS AUTHORITY TO CONSTRUCT OR PERMIT TO OPERATE HAS BEEN ISSUED, A SINGLE PERMIT TO OPERATE SHALL BE ISSUED FOR ALL OF THE EQUIPMENT COVERED BY THE DEFINITION OF SOURCE IN SECTION 1317.92. WITH RESPECT TO ANY SUCH PERMIT THE APCO MAY REQUIRE FROM THE APPLICANT FOR, OR HOLDER OF, SUCH PERMIT ONLY SUCH INFORMATION, ANALYSES, PLANS OR SPECIFICATIONS WHICH WILL DISCLOSE THE NATURE, EXTENT, QUANTITY OR DEGREE OF AIR CONTAMINANTS WHICH ARE, OR MAY BE, DISCHARGED BY THE SOURCE.
- 1317.94 AFTER A PERMIT TO OPERATE HAS BEEN ISSUED, CHANGES IN HOURS OF OPERATION, PROCESS MATERIALS OR THROUGHPUT SHALL NOT REQUIRE A NEW APPLICATION FOR A PERMIT TO OPERATE. HOWEVER, THE PERMIT HOLDER SHALL ADVISE THE APCO OF ANY SUCH CHANGES WHICH AFFECT EMISSIONS FROM THE SOURCE WITHIN 30 DAYS OF SUCH CHANGES. NOTHING IN THIS SECTION SHALL ALLOW ANY VIOLATION OF ANY PERMIT CONDITION OR ANY EMISSION LIMITATION AS ESTABLISHED IN DISTRICT REGULATIONS OR STATE OR FEDERAL LAWS.

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